

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Jerry A. McKinney and
Kathy J. McKinney,
Debtors,
Lakeview Loan Servicing, LLC,
Its successors and/or assigns
Movant,
vs.
Jerry A. McKinney and
Kathy J. McKinney,
Respondents,
Lisa M. Swope, Trustee
Additional Respondent.

) Bankruptcy No. 19-70386-JAD
)
) Chapter 7
)
) Related Document No. 164-163
)
) Hearing Date: 05/11/21 @ 10:00 a.m.
)
) Response Due: 05/03/21
)
)
) Document No.

**RESPONSE TO MOTION OF LAKEVIEW LOAN SERVICING, LLC, ITS SUCCESSORS
AND/OR ASSIGNS FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362**

AND NOW, come the Debtors, by and through their attorneys, Calaiaro Valencik and Mark B. Peduto, and presents the following:

1. Admitted.
2. Admitted.
3. Admitted
4. Denied. It is specifically denied that the Debtors have not made payments.

This creditor has received over \$10,000.00 from the Chapter 13 Trustee and over \$6,700.00 from the Debtors directly. Strict proof is demanded.

5. Denied. The Proof of Claim was filed for \$171,413.78 and this creditor has received over \$10,000.00 from the Chapter 13 Trustee and over \$6,700.00 from the Debtors directly. Strict proof is demanded.
6. Denied for the reasons set forth in the preceding two paragraphs.

7. The Debtors are without sufficient knowledge as to the truthfulness of this statement, therefore the same is denied with strict proof demanded.

8. Denied for the reasons set forth above. By way of further response, the loan will be current before the scheduled hearing in this matter.

9. The Debtors are uncertain of current property values in Houtzdale in 2021, but this is their long-time residence.

10. Admitted.

11. Admitted.

12. Denied. This is a converted case that was originally filed in 2019.

13. Admitted but it is still their long-time residence.

14. It is specifically denied that the Movant has proven "cause." This is the Debtors' residence and it is necessary for them to have housing. The loan will be current by the time of the hearing.

15. Admitted.

16. The Debtors are without sufficient knowledge as to the truthfulness of this statement, therefore the same is denied with strict proof demanded.

WHEREFORE, the Debtors request this Honorable Court to deny the Motion for Relief.

Respectfully submitted,

Date: April 23, 2021

/s/ Mark B. Peduto
Mark B. Peduto, Esquire
PA I.D. No. 62923
mpeduto@c-vlaw.com
CALAIARO VALENCIK
938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708
(412) 232-0930

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IN RE:) **Bankruptcy No.** 19-70386-JAD
Jerry A. McKinney and)
Kathy J. McKinney,)
Debtors,)
Lakeview Loan Servicing, LLC,) **Related Document No.** 164-163
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Movant,) **Hearing Date:** 05/11/21 @ 10:00 a.m.
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Jerry A. McKinney and) **Response Due:** 05/03/21
Kathy J. McKinney,)
Respondents,)
Lisa M. Swope, Trustee)
Additional Respondent.) **Document No.**

**CERTIFICATE OF SERVICE OF RESPONSE TO MOTION OF LAKEVIEW LOAN
SERVICING, LLC, ITS SUCCESSORS AND/OR ASSIGNS FOR RELIEF FROM THE
AUTOMATIC STAY UNDER SECTION 362**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached mailing matrix on April 23, 2021.

SERVICE BY FIRST-CLASS MAIL:

Mr. and Mrs. Jerry A. McKinney, 276 Ida Street, Houtzdale, PA 16651

SERVICE BY NEF:

Maria Miksich on behalf of Creditor Lakeview Loan Servicing, LLC
mmiksich@kmllawgroup.com

Brian Nicholas on behalf of Creditor Lakeview Loan Servicing, LLC
bnicholas@kmllawgroup.com

Office of the United States Trustee; ustpregion03.pi.ecf@usdoj.gov

Lisa M. Swope, Chapter 7 Trustee; lms@nsslawfirm.com, PA73@ecfcbis.com,
kpetak@spencecuster.com, skosis@spencecuster.com, alm@nsslawfirm.com

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was: First-Class Mail or Electronic Notification.

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the names and addresses of parties served by electronic notice will be listed under the heading "Service by Electronic Notification," and those served by mail will be listed under the heading "Service by First-Class Mail."

EXECUTED ON: April 23, 2021

/s/ Mark B. Peduto
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